
EXHIBIT B

**Law Office of David A. Zelman, Esq.
612 Eastern Parkway
Brooklyn, NY 11225
(718) 604-3072**

Via Fax: 212 788 9776
David M. Pollack, Esq.
Assistant Corporation Counsel
100 Church Street
New York NY 10007

May 13, 2008

**Re: Marcus Blue v. City of New York
Case No.: 07 CV 6471**

Dear Mr. Pollack:

A review of my file indicates that your office has still not yet responded to Plaintiff's First Set of Document Demands.

In addition, 911 tapes were demanded in this action. This office has twice demanded a copy of the text or audio recording of any 911 calls, however, to date, no response to our demands has been received.

The parties agreed shortly following Tucciarone's deposition that all CCRB and Internal Affairs records will be produced as soon as they are available to defense counsel. However, nothing has been produced responsive to that agreement.

Officer Tucciarone testified that he has hand written notes of his conference with Officer Das which were stored at the 88 police precinct. These notes were not produced in this matter and were demanded.

Both defense witnesses testified that there were witnesses to this incident, who may have arrived after the incident but before the plaintiff's arrest. These witnesses, to date, have never been disclosed.

Please respond to these items as soon as possible to avoid motion practice.

Thank-you in advance for your consideration.

Very Truly Yours:

David Zelman, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

MARCUS BLUE,

AFFIRMATION OF
MAILING

Plaintiff,

CASE NO: 07 CV 6471

-against-

THE CITY OF NEW YORK, POLICE OFFICER PHILIP
TUCCIARONE Shield #19414, TRAFFIC AGENT ASHIM
DAS T-301,

Defendants.

X

Under the penalties of perjury and CPLR § 3126, I hereby affirm that on May 21, 2008 I served the within **Motion to Strike Answer of Defendants** on the person(s) listed below. Service was effectuated via first class mail by depositing said properly addressed envelope(s) into a U.S mailbox.

Dated: Brooklyn, NY
May 21, 2008

LAW OFFICE OF DAVID A. ZELMAN

By: David Zelman, Esq.
Attorney for Plaintiff
612 Eastern Parkway
Brooklyn, NY, 11225

To: David M. Pollack, Esq
Assistant Corporation Counsel
100 Church Street
New York, New York 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

MARCUS BLUE,

Plaintiff,

Case #: 07 CV 6471

-against-

THE CITY OF NEW YORK, POLICE OFFICER PHILIP
TUCCIARONE Shield #19414, TRAFFIC AGENT ASHIM
DAS T-301,

Defendants.

X

NOTICE OF MOTION

DAVID A. ZELMAN (DZ8578)
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